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did not adopt the doctrine of the Illinois and Wisconsin courts, which is more in keeping with the policy of Workmen's Compensation Acts by extending their application to more cases of employment without excusing the employer from the consequences of his illegal act.

POLICE POWER—ABUTTING OWNER'S RIGHT OF ACCESS.—The plaintiff, a proprietor of a garage on the corner of a busy traffic street and a residence street, sought to enjoin the Commissioners of the District of Columbia from enforcing an order closing plaintiff's traffic street entrance for the safety of pedestrians. The traffic street entrance was much more valuable than the other entrance which was insufficient for the business. The commissioners had not interfered with a nearby garage which had an entrance only on the traffic street. *Held*, injunction granted. *Commissioners of D. C. v. O'Donoghue Bros.* (D. C. Dist. Col. 1921) 276 Fed. 636.

An abutter's right of access is property in the nature of an easement. See *Vanderburgh v. Minneapolis* (1906) 98 Minn. 329, 336, 108 N. W. 480, 481. It will be protected even though there is access to another street. *Foster Co. v. Arkansas R. R.* (1908) 20 Okla. 583, 95 Pac. 224, 100 Pac. 1110; *Fort Scott, W. & W. R. R. v. Fox* (1889) 42 Kan. 490, 22 Pac. 583; *cf. K. N. & D. R. R. v. Cuykendall* (1889) 42 Kan. 234, 21 Pac. 1051. After stating this familiar principle, the court in the principal case simply asserts that the Commissioner's proposed act was not mere "regulation," but "prohibition," or a "taking," which could not be exercised without compensation. Courts, realizing the effect of constant economic changes, dislike to define the precise limits of police power. See *Eubank v. Richmond* (1912) 226 U. S. 137, 142, 143, 33 Sup. Ct. 76. Regulation of property is sanctioned to preserve public health, safety and morals. *Morgan v. Louisiana* (1886) 118 U. S. 455, 6 Sup. Ct. 1114 (quarantine laws); *Welch v. Swazey* (1909) 214 U. S. 91, 29 Sup. Ct. 567 (reasonable limitation of height of buildings). But it is not permissible for aesthetic purposes. *Chicago v. Gunning System* (1905) 214 Ill. 628, 73 N. E. 1035. Recently, regulations to promote public convenience or general welfare and prosperity have been allowed under the police power. *Chicago & Alton R. R. v. Tranbarger* (1915) 238 U. S. 67, 35 Sup. Ct. 678. Even a positive "taking" is permissible where the property is inherently dangerous. *Harrington v. Providence Board of Aldermen* (1897) 20 R. I. 233, 38 Atl. 1. But arbitrary discrimination makes a statute invalid. *State v. New Orleans* (1904) 113 La. 371, 36 So. 999. A restriction of easements, amounting practically to confiscation, is unconstitutional. *People ex rel. Dilzer v. Calder* (1903) 89 App. Div. 503, 85 N. Y. Supp. 1015. This is true even though it benefits public health. See *C. B. & Q. R. R. v. Commissioners* (1906) 200 U. S. 561, 592, 593, 26 Sup. Ct. 341. All regulation is in a sense a "taking," but the court in holding that substantial confiscation of an easement of access is unconstitutional, is in harmony with current authority, especially since the discrimination between the garages showed that the increased safety of pedestrians was insufficiently imperative to counterbalance such a serious deprivation of private property.

SALES—IMPLIED WARRANTY OF MERCHANTABLE QUALITY.—The buyers, who for years had sold mineral water in the Argentine, known as "Webb's Indian Tonic," manufactured by the sellers, ordered the present shipment. The water, as the sellers knew, was for sale in the Argentine. It contained, unknown to the buyers, a small percentage of salicylic acid, which by a law of the Argentine was unsalable. The sellers had no knowledge of this law. The goods were condemned in the Argentine as unfit for human consumption. The buyers brought this action, alleging that the sellers had broken the implied warranty provided